



WYOMING DEPARTMENT OF CORRECTIONS

Policy and Procedure # 1.220

Return to Work Program

Page 1 of 7

Authority: Wyoming Statute(s): 25-1-104; 25-1-105 ACA Standard(s):	Effective Date: June 15, 2015 Revision/Review History: 04/01/14 04/01/13
	Summary of Revision/Review: Updates existing policy pursuant to annual review.
Cross Reference of Policy:	Supersedes Existing Policy :
Approved: R. O. Lampert Robert O. Lampert, Director	
6-9-15 Date	

REFERENCE

1. ATTACHMENTS
 - A. WDOC Form #145, *Healthcare Providers Certificate*
 - B. WDOC Form #145.1, *Temporary Restricted Duty Agreement*
2. OTHER – None Noted



I. PURPOSE

- A. **Standards for Returning to Work.** The purpose of this policy is to establish standards by which employees of the Wyoming Department of Corrections (WDOC) with temporary physical, mental, emotional or other health-related conditions are determined able to effectively perform the duties of an assigned position or post without affecting the safety and security of themselves, other staff, inmates or visitors.
- B. **Transition Assignments.** In addition, the purpose of this policy is to create a return to work program which offers an employee recovering from an illness or injury a time-limited opportunity to transition back to their regular full-time work assignment. Transition assignments will be limited to a number based on business necessity and may include light duty assignments for work-related/workers' compensation injury or illness, and/or temporary restricted duty assignments for non-work related injury or illness, with priority given to light duty assignments for work-related/workers' compensation injury or illness. Transition assignments are not intended to replace the employee's full-time work assignment and employees are expected to return to their regular job assignment upon medical release to return to full, unrestricted duty.

II. POLICY

- A. **Successful Recovery of Employees.** It is the policy of WDOC to promote the successful recovery of employees who have suffered from any work-related or personal injury or illness.
- B. **Ability to Perform Essential Job Functions.** It is the policy of WDOC that employees at all levels and job positions within the Department are required to report for duty being physically, mentally, and emotionally able to perform all essential functions of their position or post.
 - 1. **Temporary Restricted Duty Assignments.** Any employee who is unable to meet this requirement may be considered for a temporary restricted duty work assignment.
 - i. Restricted duty assignments shall be based on business necessity and only if restricted duty assignments can be accomplished with limited to no inmate or offender contact.
 - ii. Restricted duty assignments shall be approved by the Chief Executive Officer (CEO) or designee.



2. **Independent Medical Evaluation.** An employee may be required to undergo an independent medical evaluation, at WDOC's discretion and expense, to obtain a second opinion of any medical issue which prevents the employee from performing their regularly assigned duties.

III. DEFINITIONS

- A. **Chief Executive Officer (CEO):** A CEO is identified, but not limited to, the following positions: Director, Deputy Director, division administrators, deputy administrators, wardens, district supervisors, adult community corrections coordinator, and adult community corrections directors.
- B. **Health Care Provider:** *(For this policy only.)* A doctor of medicine, chiropractic, osteopathy, dentist, optometrist, podiatrist, psychologist or advanced practitioner of nursing, acting within the scope of his/her license, licensed to practice in Wyoming or in good standing in his/her home state.
- C. **Temporary Light Duty Agreement:** A written agreement between the WDOC, employee and/or the Wyoming Workers' Safety and Compensation Division for the purpose of returning the employee to work from a work-related injury or illness.
- D. **Temporary Restricted Duty Agreement:** A written agreement between the WDOC and the employee as described in WDOC Form #145.1 for the purpose of returning the employee to work from a non-work related injury or illness to a temporary restricted duty assignment. This may include light duty assignments resulting from FMLA or ADA qualifying conditions.

IV. PROCEDURE

- A. **Light Duty Assignments for Work-Related/Workers' Compensation Injury or Illness.** WDOC employees with a work-related/workers' compensation injury or illness may be eligible to participate in a return to work program offered in up to ninety (90) day increments, renewable, not to exceed one (1) year cumulatively, under the following criteria:
 1. All work-related injuries and/or illnesses shall be reported to the Wyoming Workers' Safety and Compensation Division by completion and submission of the Wyoming Report of Injury form.
 2. Any employee affected by a work-related injury or illness, may be considered for temporary light duty assignments pursuant to the provisions of W.S. §§ 27-14-403 and 27-14-404.



3. The identification, assignment, and management of temporary light duty assignments shall be handled on a case-by-case basis as warranted by the business necessity of the WDOC.
 - i. A temporary light duty assignment shall be initiated and managed by Wyoming Workers Compensation, in accordance with their laws, rules and regulations.
 - a. Temporary light duty assignments shall be made using a *Workers Compensation Agreement for Temporary Duty/Restricted Work* form.
 - ii. The assignment shall end when an employee is certified by the health care provider to return to full, unrestricted duty.
 - a. Employees must provide Human Resources (HR) with a completed WDOC Form #145, *Healthcare Providers Certificate*, to return to work unrestricted.
 - iii. Employees unable to return to full-time, unrestricted duty upon conclusion of the Light Duty contract will be placed on appropriate leave until they are able to return to full duty or when Maximum Medical Improvement (MMI) has been established.
 - a. Employees unable to return to their regularly assigned duties upon reaching MMI will be referred to Human Resources for further review as needed considering applicable Federal and State employment laws as well as *State of Wyoming Personnel Rules*.

B. Temporary Restricted Duty Assignments for Non-Work Related Injury or Illness. WDOC employees who have a non-work related injury or illness may be eligible to participate in a return to work program offered in up to thirty (30) day increments, renewable, not to exceed one-hundred and eighty (180) days cumulatively, under the following criteria:

1. A temporary restricted duty assignment for non-work related injury or illness will not be offered or renewed if it would otherwise prevent the early return to work of a WDOC employee with a work-related/workers' compensation injury or illness, or if it would otherwise prevent the return to work of an employee under a reasonable ADA accommodation that is indicated by documented medical necessity and approved by WDOC administration in accordance with WDOC Policy and Procedure #1.219. *ADA Compliance for Staff*.



2. The identification, assignment and management of temporary restricted duty assignments based upon a non-work-related injury or illness shall be handled on a case-by-case basis as warranted by the business necessity of WDOC.
3. Temporary restricted duty assignments are an agreement to provide a temporary duty assignment while recovering from a personal illness or injury. These agreements do not alter in any way the at-will status of probationary employees. Probationary employees will remain at-will and have no expectation of continued employment.
4. An employee does not have a right to a temporary restricted duty assignment and there is no guarantee of availability of a temporary restricted duty assignment.
5. The process for arranging temporary restricted duty assignments shall be as follows:
 - i. The employee shall submit a completed WDOC Form #145, *Healthcare Provider's Certificate*, to their HR representative.
 - ii. Based upon the medical practitioner's restrictions provided on the Form #145, the HR representative and the employee's supervisor will prepare an assignment using WDOC Form #145.1, *Temporary Restricted Duty Agreement*.
 - iii. The HR representative and/or supervisor shall meet with the employee to discuss the terms of the temporary restricted duty assignment. The employee will elect to accept or decline the agreement.
 - iv. If an agreement cannot be reached, the employee is returned to appropriate leave status.
 - v. Temporary restricted duty assignments shall be reviewed every thirty (30) days to determine the appropriateness or necessity of continuing the assignment.
6. Employees unable to return to work upon termination of the temporary restricted duty assignment will be placed on appropriate leave status until released to full, unrestricted duty. Employees unable to return to their regularly assigned duties will be referred to Human Resources for further review as needed considering applicable Federal and State employment laws as well as State of Wyoming Personnel Rules.



7. To return to work unrestricted, the employee must provide their HR representative a new WDOC Form #145, *Healthcare Provider's Certificate*, indicating there are no further medical concerns.

C. CEO's Responsibilities

1. The CEO or designee is responsible for identifying temporary restricted duty assignments to facilitate return to work based on WDOC's business necessity. Temporary restricted duty assignments shall be coordinated with the employee's supervisor and Human Resources Office, and may include, but not be limited to, a change in work responsibilities, shift, or work days/hours.
 - i. If these duties are not available then a temporary restricted duty assignment cannot be offered.
2. The CEO or designee is the final approval of temporary restricted duty assignments.

D. Human Resource Office's Responsibilities

1. Human Resources Offices are responsible for the overall administration of the Return to Work Program.
2. Human Resources Offices shall be responsible for coordinating with the CEO and employee to determine available options for temporary restricted duty.
3. Human Resources Offices are responsible for ensuring a written agreement is executed and signed by the employee and supervisor.
 - i. Medical information received for the purposes of these agreements is confidential and shall be maintained in the employee's confidential medical file.

E. Employee Responsibilities

1. Employees are responsible for cooperating with management in fulfilling this program.
2. Employees are responsible for carrying out the terms of temporary restricted duty assignments.



V. TRAINING POINTS

- A.** Can a supervisor authorize or place an employee into a temporary restricted duty assignment?
- B.** May an employee's medical situation be further evaluated by a physician of the WDOC's choosing? If so, under what conditions?